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HOUSE BILL 1364 By
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SENATE BILL 1641
By Cooper J

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, Title 4, Chapter 29, Title 62, Chapter 3,
and Title 62, Chapter 4, relative to the creation of the
Tennessee board of cosmetology and barber
examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-226(a) is amended by deleting
sections (10) and (15) in their entirety and renumbering subsequent subsections accordingly.

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a) is amended by adding
the following as new items thereto:

- () Board of barber examiners, created by ? 62-3-101;
- () Board of cosmetology, created by ? 62-4-103;

SECTION 3. Tennessee Code Annotated, Section 62-4-102(a) is amended by deleting
subsection (2) in its entirety and by substituting instead the following:

(2) ? Board? means the state board of cosmetology and barber examiners;

SECTION 4. Tennessee Code Annotated, Section 62-4-103 is amended by deleting the section in its entirety and by substituting instead the following:

62-4-103. Creation.? (a) The practices of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners.

(b) The board shall consist of eleven (11) members appointed by the governor. There shall be at least two (2) members from each grand division of the state.

(1) Five (5) members shall be cosmetologists and four (4) members shall be master barbers each of whom has been licensed in this state for at least five (5) years. No such member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or college of barbering, an employee in such a school, or in any manner connected with such a school.

(2) One (1) member shall be a person at least twenty-one (21) years of age who is not engaged in the occupation of cosmetology or barbering. No educational degree requirements shall apply for the public member, and such member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations, and inspection of schools of cosmetology, barber schools or colleges of barbering.

(3) One (1) member shall be an owner of a school licensed by the board or an instructor licensed by the board. Such member shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(4) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 5. Tennessee Code Annotated, Section 62-4-104 is amended by deleting the section in its entirety and by substituting instead the following:

62-4-104 Terms of board members - Oath-Removal.

(a) (1) Of the members initially appointed, one (1) master barber and one (1) cosmetologist shall serve a term of one (1) year, one (1) master barber and two (2) cosmetologist shall serve a term of two (2) years, and one (1) master barber and two (2) cosmetologists shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The school owner or instructor member of the board shall initially be appointed for a term of three (3) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(c) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(d) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 4 is amended by deleting the language ? cosmetology board? wherever it appears and substituting instead the language ? board of cosmetology and barber examiners? .

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 3 is amended by deleting the language “board of barber examiners” wherever it appears and substituting instead the language “board of cosmetology and barber examiners”.

SECTION 8. Tennessee Code Annotated, Sections 62-3-101, 62-3-102, 62-3-104 and 62-3-131 are repealed.

SECTION 9. Tennessee Code Annotated, Section 4-29-225(a) is amended by adding the following as a new item thereto:

() State board of cosmetology and barber examiners, created by § 62-4-103;

SECTION 10. Tennessee Code Annotated, Section 4-3-1304 is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following as a new item thereto:

() Board of cosmetology and barber examiners;

SECTION 11. It is the intent of the general assembly that the rules of the board of cosmetology and the rules of the board of barber examiners shall be deemed to be the rules of the board of cosmetology and barber examiners created by this act.

SECTION 12. For the purpose of making appointments, this bill shall take effect immediately upon becoming a law, the public welfare requiring it. For all other purposes, this bill shall take effect on July 1, 2002. Notwithstanding the provisions of section 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the board of cosmetology and the board of barber examiners shall terminate and cease all activities on June 30, 2002. It is further the intent of the general assembly that the board of cosmetology and barber examiners created by this act shall commence operations on July 1, 2002.